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SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 58th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 19 January 1993, at 10 a.m.

Chairman: Mrs. BADRAN

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* The summary record of the second part (closed) of the meeting appears as document CRC/C/SR.58/Add.1.

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION (agenda item 11) (continued)

Report of Sweden (CRC/C/3/Add.1) (continued)

1. The CHAIRMAN invited members of the Committee to make general comments on the report submitted by Sweden.

2. Mr. KOLOSOV expressed satisfaction at the clear awareness on the part of the Swedish Government of the need to implement, and disseminate information on, the provisions of the Convention, and to seek ways and means of further improving the status of children in that country. The fact that Sweden was a State party to almost all international human rights instruments was very positive and no doubt had a favourable influence on the promotion of the rights of the child in the country. He expressed the hope that Sweden might also shortly become a State party to the recent Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Other positive factors included the significant contribution of the Swedish Government and NGOs to international cooperation and assistance to developing countries in fields relating to the rights of the child, and the adoption of a national plan of action for that purpose.

3. Concerns arising from the report submitted by Sweden included: (1) the possibility of conscription into the army of young persons under the age of 18; (2) the list of grounds for non-discrimination, as set out in paragraph 48 of the national report, the list being rather less complete than that contained in the Convention; (3) given the increasing number of foreign children being adopted by Swedish families, the apparent absence of monitoring of such children in their adoptive families; and (4) a certain lack of clarity with regard to the definition of a child, with apparent contradictions between paragraphs 35 and 36 and paragraphs 44 and 212 of the report.

4. While there were still some outstanding issues which might be improved, Sweden must generally be regarded as a country which looked upon children favourably. At the same time, it must be recognized that the greater the possibilities and achievements of a State, the more demanding its society became. Moreover, the international community inevitably tended to evaluate the status of children in what it considered to be "model" States, of which in many respects Sweden was one. It was important, therefore, to avoid any devaluation of the State's current high standard of protection of children.

5. Miss MASON congratulated the Government of Sweden on being among the first to ratify the Convention and to fulfil its obligations to the Committee in the form of a very comprehensive report. Sweden had enacted many laws in order to fulfil its obligations to children and the Committee, and the country was in the forefront of activities for improving the lot of children, both in Sweden and the world over. At the same time, she recommended that regulations for the implementation of the legislation enacted should be put in place in all cases.

6. Concerns arising from consideration of the report included that of the age of sexual maturity. She had not been convinced by the reasons adduced for hesitating to define sexual maturity in terms of an age-limit particularly with regard to pornographic literature, and recommended that the Government should look into the possibility of shifting the burden of proof in criminal actions to the publisher of pornographic literature, who should establish that persons appearing in such literature were over the age of 18. The Swedish Government might also wish to consider further the advisability of permitting a child of seven years or older to accept legal or medical counselling without parental consent. Further consideration might be given to ensuring that children were separated from adults when in detention; she had not been convinced by the argument that the distance from a child's home was of overall importance in determining the place of detention. Mention might also have been made in the report of the situation of street-children and of indigenous or minority populations. Lastly, Sweden might wish to look at the situation in countries where juvenile liaison schemes with the police force had been established.

7. Mrs. SANTOS PAIS thanked the Swedish Government for sending a high-level delegation representing the various ministries concerned with the implementation of the Convention. She expressed appreciation for the cooperation and openness shown by the delegation, and its willingness to engage in self-criticism and to consider the suggestions and recommendations of the Committee. The report itself was very comprehensive, and indicated that there was a general awareness of the principles and provisions of the Convention and that a spirit of dialogue and interaction existed between the Government and national NGOs. She urged the Swedish delegation to envisage the following further steps: (1) to continue discussion in the country concerning the direct incorporation of the Convention into Swedish legislation, thereby moving away from the traditional approach to international instruments; (2) to ensure that any spending cuts by municipalities were effected with due regard for the best interests of children, and particularly the most vulnerable groups of children; (3) to appoint a public defence counsel in cases where children were alleged to have infringed the law; and (4) to separate adults and young persons in prison, taking into account the best interests of the child and alternatives to institutional care.

8. She expressed concern about the placing of children in custody under the Aliens Act, in view of the fact that deprivation of liberty should only be considered as a last resort. In that context she urged that alternative solutions might be considered, in the best interests of the child, particularly since the child might already be suffering as a result of finding himself or herself in a foreign environment. Another concern related to the different treatment of alien children, who might be placed in custody from the age of 16, and children of Swedish citizenship, who might, in general, be placed in custody only after the age of 18.

9. Mrs. EUFEMIO joined previous speakers in commending the Swedish Government for its efforts to harmonize national laws with the provisions of the Convention. She reiterated her concern that policy implementation should be coordinated with local authorities, which, she understood, had a considerable degree of autonomy. There might be more participation by NGOs at

the policy-making level, as well as in implementation of the provisions of the Convention, and greater coordination in that area. Any implementation mechanisms put in place would also facilitate subsequent monitoring activities, which would no doubt be reflected in Sweden's next report.

10. Mgr. BAMBAREN GASTELUMENDI observed that children in Sweden were in a privileged situation; the long-standing harmony between economic and social policy in the country no doubt helped the Swedish Government and society in their efforts to attend to the problems of children. In that context, he hoped that there would be greater international cooperation in the future in areas relating to children, and particularly for the benefit of vulnerable groups, such as disabled children. He shared Mr. Kolosov's concern that there should be a coherent approach to the question of legal age. He also noted the considerable evolution which had taken place over the past five decades in sexual education in schools, particularly in relation to the 10 principles outlined in the Ministry of Education's Code. It would be interesting in the future to receive more indicators for the child population concerning health - including figures on AIDS, education, employment and birth rates. Noting that in most cases disabled children tended to go to ordinary schools, he asked why more arrangements were not made for special education. On the question of adoption, while a series of guarantees already existed to protect the child, the advisability of establishing direct official contacts in the country of origin prior to adoption should be stressed. Lastly, he endorsed Miss Mason's comment on the need for a clearer determination of sexual maturity.

11. Mr. GOMES DA COSTA observed that the position of children in Sweden was certainly a privileged one, but Sweden's economic strength was not the only reason for its exemplary support of the development and protection of children. The Government and NGOs made great efforts in support of children both in Sweden and throughout the world. In Brazil, for example, they were active in combating violence and protecting human rights. It was important for Sweden to reconcile the need for social protection of children with respect for their rights to privacy and individual choice. He agreed with Mr. Kolosov that development meant not only the satisfaction of needs, but also the constant creation of new needs. That was certainly true of Sweden. It was to be hoped that today's exception would become tomorrow's rule for the children of the world.

12. Mr. MOMBESHORA said that he endorsed the praise of Sweden's attitude to the Convention, as exemplified by its speedy ratification and the submission of its initial report. The Committee might emphasize the point that Sweden was interested in children's issues not only in Sweden but in other countries as well, through international agencies and on a bilateral basis. One minor criticism of the report was that it lacked specific data on certain issues. Until additional data had been given in response to the Committee's questions, it had not been clear what the extent of any given problem was. Specific data would be particularly useful in future reports for the purpose of assessing the progress made.

13. Mr. HAKANSSON (Sweden) said that the Swedish definition of the child and the age of consent or majority was certainly complex. It gave rise to considerable debate in Sweden itself, and young people often could not

understand the reason for the different ages used for different purposes. On the issue of non-discrimination, he would verify that Sweden's laws and Constitution were in compliance with the Convention. Effective arrangements did exist in local communities for monitoring the situation of adopted children. Sweden's adoption authorities maintained contact with their counterparts and the Government in the country of origin, as well as making visits to foreign countries.

14. On the question of street-children, a survey had been completed in Stockholm in September 1992 and was to be continued. There were about 100 children who could be regarded as street-children in that they were out of touch with their parents for considerable periods. They were known to the social authorities but usually rejected assistance. A problem certainly existed and a solution was being sought.

15. The questions of the separation of children from adults when under detention and of the age-limit with respect to child pornography would be investigated. Similarly, the effects of the cuts in public funds at the municipal level would be assessed from the standpoint of the best interests of the child.

16. Coordination matters and the monitoring of the implementation of legislation would in future be the responsibility of the office of children's ombudsman, which was to be established. The ombudsman would have an important role to play and would probably attend the Committee's meeting on Sweden in five years' time. The Swedish delegation realized that the report gave insufficient data on some issues; that shortcoming would be rectified in future reports.

17. Much of course had been done on the problems of disabled children but there was no room for complacency. Such children were not discriminated against in school: they were placed in normal schools and treated as normal children as far as possible, but of course they received individualized help. Special schools were still needed for the most serious cases. Serious discussions were already under way in Sweden on the question of taking in refugee children. The new legislation would bring the relevant arrangements more into line with the requirements of the Convention.

18. The Swedish delegation appreciated the positive dialogue with the Committee and was impressed by its members' analysis of the report. The praise of the situation in Sweden was, of course, welcome but the delegation was even more grateful for the critical comments and recommendations, which would certainly help Sweden in its work on children's rights. All the comments and recommendations would be conveyed to the appropriate authorities.

19. The CHAIRMAN thanked the Swedish delegation for engaging in what had been a very instructive dialogue and for its assurance that the Committee's comments and recommendations would be taken into account. The whole Committee looked forward to a renewal of the dialogue at a future date.

The public meeting rose at 11.15 a.m.